

# **TENNESSEE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

## **MINUTES OF BOARD MEETING**

**AUGUST 14, 2007**

President Bob Foster called the meeting to order at 10:05 A.M. in Conference Room 160, Davy Crockett Tower, Nashville, Tennessee.

Board members present were Bob Foster, President, Wendy Helling, Vice President, Dennis Hamilton, Steve Murphy, Ruthie Reynolds, Ralph Buckner and David Murphy.

Staff members present were Robert Gribble, Executive Director, Adrian Chick, Staff Attorney, and Jimmy Gossett, Administrative Assistant.

### **APPROVAL OF MINUTES:**

A motion was made by Mr. Steve Murphy to approve the minutes of the July 10, 2007, Board Meeting.

Seconded by Ms. Wendy Helling

Adopted by voice vote

### **CIRRICULUM FOR FUNERAL DIRECTOR EDUCATION:**

B. Steven Spann, President of John A. Gupton College in Nashville, Tennessee, addressed the Board regarding the college's planned curriculum for the new state requirements effective January 1, 2008, requiring candidates for licensure as a funeral director to have successfully completed a program of study in Funeral Service Education consisting of not less than thirty (30) semester hours from a school accredited by the American Board of Funeral Service Education.

### **APPROVAL OF ESTABLISHMENT LICENSES:**

Upon motion, based upon the application records, the following establishments were approved for licensure.

**Change of Ownership**  
**Smith Funeral Home**  
**Rutledge, TN**

**New Ownership: Corporation**

**Change of Ownership**  
**Colboch-Price Funeral Home**

**New Ownership: Corporation**

**Rogersville, TN**

**Change of Ownership  
McNeil Funeral Home  
Sneedville, TN**

**New Ownership: Corporation**

**Change of Ownership  
Brown Funeral Home  
Newport, TN**

**New Ownership: Corporation**

**Change of Ownership  
Curry Funeral Home  
Dyersburg, TN**

**New Ownership: Corporation**

**Change of Ownership  
Curry Funeral Home  
Ridgely, TN**

**New Ownership: Corporation**

**Change of Ownership  
Curry Funeral Home  
Tiptonville, TN**

**New Ownership: Corporation**

**Change of Ownership  
Dickson Funeral Home  
Dickson, TN**

**New Ownership: Corporation**

**Change of Ownership  
Dickson Funeral Home  
Fairview Memorial Chapel  
Fairview, TN**

**New Ownership: Corporation**

**Change of Ownership  
Dickson Funeral home  
White Bluff Chapel  
White Bluff, TN**

**New Ownership: Corporation**

**LEGAL REPORT:  
ADRIAN CHICK, STAFF ATTORNEY**

1. **Docket Number 12.21-094985A Auston-Victory Funeral Home**

Final Order submitted for Board's approval and President's signature.

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2. **Case No.: L07-FUN-RBS-2007066361**

The decedent had entered into a preneed funeral contract with the Respondent, consisting of guaranteed items funded by an insurance policy, and non-guaranteed items. The complainant believes that the Respondent overcharged for non-guaranteed items and also charged her twice for a casket upgrade.

The respondent admits that it did make an "honest error" by charging an extra \$200. The other items were not part of the guaranteed contract and the items were therefore required to be paid by the family. The Respondent did not give credit for the interest accrued on the insurance policy because the total amount accrued was less than the present cost of the funeral provided. The insurance contract states that "proceeds are to be paid to the Funeral Firm in an amount not to exceed the retail price of the funeral provided."

Complaint History: 200600113 – Closed

**Recommendation: Close with Letter of Caution regarding the \$200 overcharge.**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Ms. Wendy Helling

Adopted by voice vote

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**3. Case No.: L07-FUN-RBS-2007063931**

The complainant alleges that it sought the services of the respondent for the cremation of her husband who was a veteran. After the VA denied the complainant's claim for funeral expenses, the respondent billed the complainant. The respondent refused to release a marker for five months because the bill was unpaid. The complainant appealed the VA's denial of benefits.

The respondent states that the complainant was notified that the marker had arrived and has failed to pick it up. The respondent does acknowledge billing the complainant and continues its attempt to collect the amount due. The respondent also mentions that it assisted the complainant with not only her first claim for VA benefits, but also re-filed her application for review to the VA. The respondent denies any unprofessional conduct.

Complaint History: 199900701 - Closed.

**Recommendation: Dismiss**

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Wendy Helling

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Adopted by voice vote

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**4. Case No.: L07-FUN-RBS-2007063821**

An inspection on May 22, 2007 revealed the following violations:

- The current license of a funeral director was not available for inspection and had to be faxed from another location.
- The current license of an embalmer was not available for inspection and had to be faxed from another location.
- SFGS's lacked a required disclosure, reason for embalming.
- The price of a casket in the selection room is inconsistent with the price on the CPL.

The Respondent states that the above deficiencies have been corrected and has submitted revised price lists.

Complaint History: Four (4), all closed.

**Recommendation: Consent Order assessing civil penalty of \$250 and authorization for hearing.**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. Dennis Hamilton

Adopted by voice vote

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**5. Case No.: L07-FUN-RBS-2007062251**

An inspection on April 13, 2007 revealed the following violations:

- Fifteen cremations were performed by this establishment in 2006 and no cremation authorization forms were present at the establishment.
- The establishment is operating under a name other than the name registered with the Board.

The Respondent states that its files are being updated to include authorization forms and the sign is being changed to reflect the exact name as registered.

Complaint History: None.

**Recommendation: Consent Order assessing civil penalty of \$500 and authorization for hearing.**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**6. Case No.: L07-FUN-RBS-2007063811**

An inspection on May 17, 2007 revealed the following violations:

- Caskets in the selection room inconsistent with the CPL.
- Reason for embalming not stated in SFGS.
- Latest inspection report and copy of crematory license not available for inspection.

The Respondent states it has corrected the discrepancies.

Complaint History: 200502805 – Closed.

**Recommendation: Consent Order assessing civil penalty of \$400 and authorization for hearing.**

A motion was made by Mr. Dennis Hamilton to accept Counsel recommendation.

Seconded by Ms. Ruthie Reynolds

Adopted by voice vote

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**7. Case No.: L07-FUN-RBS-2007062241**

An inspection on April 12, 2007 revealed the following violation:

- The price for direct cremation on the SFGS does not match the GPL.

The Respondent admits that the above error resulted in an overcharge to the family and apologies. The error is attributable to a new funeral director and the customer has been refunded.

Complaint History: 200603191 – Closed.

**Recommendation: Consent Order assessing civil penalty of \$250 and authorization for a hearing.**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**8. Case No.: L07-FUN-RBS-2007063761**

An inspection on May 14, 2007 revealed the following violations:

- The current licenses of two embalmers were not available for inspection.
- The current licenses of two funeral directors were not available for inspection.
- CPL does not include required title and other discrepancies on GPL.

The Respondent states that the above deficiencies have been corrected and has submitted revised price lists.

Complaint History: None.

**Recommendation: Consent Order assessing civil penalty of \$350 and authorization for hearing.**

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

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**9. Case No.: L07-FUN-RBS-2007063711**

The Respondent establishment incorrectly listed the informant's relationship to the deceased as "ex-wife" as opposed to "companion".

The Respondent was finally able to obtain an affidavit from the informant so that the state would correct the error. The Respondent acknowledges the error and apologizes for the inconvenience caused.

Complaint History: Numerous

**Recommendation: Close with Letter of Warning**

A motion was made by Ms. Wendy Hellum to accept Counsel's recommendation.

Seconded by Mr. Dennis Hamilton

Adopted by voice vote

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**10. Case No.: L07-FUN-RBS-2007062221**

An inspection on April 11, 2007 revealed the following violations:

- The current license of a funeral director was not available for inspection.
- The current license of an embalmer was not available for inspection.
- The establishment failed to have latest inspection report and license of crematory used.
- OBCPL has incorrect title.
- OBCPL lacks description of merchandise.
- SFGS does not provide reason for embalming.

The Respondent has submitted revised price lists as well as copies of current licenses.

**Complaint History:** Two (2), both closed.

**Recommendation: Consent Order assessing civil penalty of \$500 and authorization for hearing.**

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Ruthie Reynolds

Adopted by voice vote

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**11. Case No.: L07-FUN-RBS-2007058521**

Based upon the complaint, which consists of five (5) handwritten pages, it appears that the complainant contacted the Respondent prior to the death of her husband and provided the hospital with a release to the Respondent. The complaint is difficult to read and appears to have inconsistencies, but seems to acknowledge that the complainant expressed an interest in having her husband's remains flown out of state for burial. The complainant admits to signing the releases and contract, but states that she had changed her mind and really wanted another local funeral establishment to handle arrangements.

The Respondent states that the arrangements were discussed a week prior to death of her husband, as well as at the time of death, and the complainant agreed to the arrangements made.

**Complaint History:** Three (3), all closed.

**Recommendation: Dismiss**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Ms. Wendy Hellum

Adopted by voice vote

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**12. Case No.: L07-FUN-RBS-2006042061**

This complaint alleges that the Respondent failed to honor a policy for the burial of her spouse.

**Recommendation: Close. This matter is now in receivership.**

A motion was made by Ms. Ruthie Reynolds to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**13. Case No.: L07-FUN-RBS-200603805**

This complaint alleges that the respondent failed to honor a funeral policy.

**Recommendation: Close. This matter is now in receivership.**

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Ms. Ruthie Reynolds

Adopted by voice vote

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**14. Case No.: L07-FUN-RBS- 2007048961**

This complaint alleges that the respondent failed to order a marker that was paid for.

**Recommendation: Close. The Respondent is in receivership; this issue has been addressed and appears to be resolved.**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. Dennis Hamilton

Adopted by voice vote

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**15. Case No.: L07-FUN-RBS-2007068001**



The complainant states that the Respondent funeral director failed to provide her with a written contract, and that he charged more than originally agreed for the funeral of the complainant's daughter.

The Respondent states that he deeply discounted the funeral arrangements for the complainant due to her financial situation and that a contract was not written because the complainant had not yet decided on which cemetery to use.

**Complaint History:** One (1), closed.

**Recommendation: Consent Order assessing civil penalty of \$250 for failure to provide Statement of Funeral Goods and Services Selected and authorization for hearing.**

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

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**16. Case No.: L07-FUN-RBS-2007054211**

An inspection on February 28, 2007 revealed the following violations:

- Caskets on display do not match CPL.
- Casket price range on GPL does not match CPL prices.
- Outer burial containers don't match OBCPL.
- Outer burial container price range does not match OBCPL.
- A SFGS examined did not identify all required items.

The Respondent states that what appears to be a casket selection room is actually only a storage room with caskets that are being returned to the vendor. Being new to the site, the manager was unaware that the establishment uses a computer "Virtual Selection Room" rather than a display room. As for the other violations, the Respondent states that it has made the appropriate corrections.

**Complaint History:** Two (2), both closed.

**Recommendation: Consent Order assessing civil penalty of \$250 and authorization for hearing.**

A motion was made by Mr. Steve Murphy to issue a Consent Order assessing a civil penalty of \$500 and authorization for a hearing.

Seconded by Mr. David Murphy

Adopted by voice vote

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**17. Case No.: L07-FUN-RBS-2007056001**

An inspection on March 14, 2007 revealed the following violations:

Respondent failed to retain copy of cremation authorization form for deceased. Copy of latest inspection report and current license of crematory used not available for inspection.

Three SFGS inspected revealed that Respondent charged for embalming plus washing and disinfecting the body, resulting in an overcharge of \$200 in each of the three cases.

SFGS reveals that Respondent charged \$14 for each certified copy of a death certificate. The charge for a certified copy of the Certificate of Death by the Tennessee Department of Health is \$7 each copy.

The Respondent states that they had misfiled the cremation authorization, but it was found shortly after the inspection and they have submitted the latest inspection report and license from the crematory. The Respondent states that washing and disinfecting is necessary prior to embalming for "hygienic and sanitation purpose", and that the FTC specifically authorizes this charge and that the inspector apparently misunderstands the FTC rules. Respondent also states that it previously submitted a GPL to the inspector that contained the item "washing and disinfecting of remains" and that the GPL was approved.

**Complaint History:** None.

**Recommendation: Consent Order assessing civil penalty of \$375 and authorization for hearing.**

A motion was made by Mr. David Murphy to accept Counsel's recommendation and for the staff attorney to advise the respondent, of the Board's decision, that "washing and disinfecting" is a part of embalming and that a separate fee cannot be charged for such if the deceased human remains is embalmed.

Seconded by Mr. Steve Murphy

Adopted by voice vote

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**18. Case No.: L07-FUN-RBS-2007064901**

The complainant is the son of the decedent. The decedent is survived by a spouse and had previously arranged for his funeral with Respondent. The son, unaware that his father and mother had previously made arrangements, and anticipating the death of his father, purchased a casket from a casket retailer. The complainant states that the Respondent was rude to him, made false

statements to him, and that the Respondent should have to pay for the (unused) casket he purchased due to the mental anguish caused to him by the Respondent.

The Respondent denies being rude, denies making any false statements, and states that the surviving spouse was pleased with the Respondent's services.

**Complaint History:** One (1) from 1999, closed.

**Recommendation:** Dismiss.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Dennis Hamilton

Adopted by voice vote

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**19. Case No.: L07-FUN-RBS-2007062231**

An inspection on April 11, 2007 revealed the following violations:

- Current licenses of two funeral directors were not available for inspection.
- Current licenses of two embalmers were not available for inspection.
- Establishment did not have a general price list.

The Respondent admits not having a GPL, but points out that this was an oversight and that one was faxed within a few hours of the inspection. The Respondent states that one of the two individuals is no longer employed at the establishment and the other individual is not an employee, but an independent contractor.

**Complaint History:** One (1), closed.

**Recommendation:** Consent Order assessing civil penalty of \$500 and authorization for hearing.

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**20. Case No.: L07-FUN-RBS-2007068501**

The complainant's husband passed away on a Friday at approximately 2:30 A.M. The Respondent contacted the complainant approximately two (2) hours later

and the complainant stated that she wanted her husband's remains cremated, but that final arrangements could not be made until the family arrived in town. After the family arrived the following afternoon, the complainant requested that her husband's remains be embalmed for viewing. The Respondent stated that the body could no longer be embalmed because the "window of opportunity" had passed.

The Respondent states that the complainant originally stated that she did not want the body embalmed, but instead wanted cremation with a memorial service. Respondent states that due to the time that had passed, and the resulting condition of the body, it declined the complainant's request for embalming and viewing.

**Complaint History:** One (1) from 2000, closed.

**Recommendation:** Close with letter of caution.

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Ms. Wendy Hellum

Adopted by voice vote

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**21. Case No.: L07-FUN-RBS-2007064911**

The complainant alleges that the Respondent's attendant attempted to close his wife's casket by himself, that it appeared to be stuck, and that the attendant finally had to use the palms of his hands to push it closed. In the process, the complainant saw his wife's hair and head move. The Respondent should have had two attendants closing the casket.

The Respondent appreciates this matter being brought to their attention, but has been unable to determine the exact cause for the difficulties because these events occurred one year ago and the attendant is no longer employed by Respondent. The Respondent has addressed this matter with his staff.

**Complaint History:** Numerous, all closed.

**Recommendation:** Dismiss.

A motion was made by Mr. David Murphy to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

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**22. Case No.: L07-FUN-RBS-2007069791**

The complaint alleges that the Respondent contacted them the day of the funeral after precession was lined up and stated there was a problem with the burial policy. The funeral had to be delayed for two days, which was stressful for family and friends.

The Respondent states that the family desired to pay for services with an insurance assignment. The Respondent went forward with the arrangements although the assignment was not yet completed, including a visitation and funeral services. Respondent, after being notified the assignment could not be completed, delayed burial for two days until other arrangements could be made with the family. The Respondent states that it is going to send a letter of apology and \$500 refund to the complainant.

**Complaint History:** 13, all closed.

**Recommendation: Consent Order assessing civil penalty of \$500 for unprofessional conduct and authorization for hearing.**

A motion was made by Mr. Dennis Hamilton to accept Counsel's recommendation.

Seconded by Mr. Steve Murphy

Adopted by voice vote

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**23. Case No. L07-FUN-RBS-2007060591**

An inspection on April 18, 2007 revealed the following violation:

- Cremation authorization forms for 48 cremations were not retained at this location.

The Respondent states that it has maintained all cremation authorization forms at another location since beginning cremations in 2004 and that no complaints have been received regarding this practice. Although the Respondent believes its method of retaining copies is compliant with statute, it will begin retaining a copy at each location.

**Complaint History:** Three (3), all closed.

**Recommendation: Close with letter of instruction.**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**24. Case No.: L07-FUN-RBS-2007064631**

The complainant alleges that the Respondent is offering services without having proper facilities or equipment and that it did a poor job preparing their loved one for viewing.

No response received.

**Complaint History:** Numerous.

**Recommendation: Close. This subject matter was addressed by the Board recently in a contested hearing and the judgment of the Board addressed the concerns of this complaint.**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

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**25. Case No.: L07-FUN-RBS-2007063941**

The complaint alleges that the Respondent, while leading the funeral precession, exceeded the speed limit, and some family members had to travel up to 90 mph to keep up.

The Respondent sent a letter of apology and has offered to refund the portion of charges that relate to transportation.

**Complaint History:** Six (6), all closed.

**Recommendation: Letter of Caution.**

A motion was made by Mr. Steve Murphy to accept Counsel's recommendation.

Seconded by Mr. David Murphy

Adopted by voice vote

**ADMINISTRATIVE MATTERS:  
ROBERT B. GRIBBLE, EXECUTIVE DIRECTOR**

**REPORT OF LICENSES ISSUED JULY 10, 2007 – AUGUST 13, 2007  
BY EXECUTIVE DIRECTOR AS PER BOARD AUTHORITY**

**Establishments**

A & B Crematory 21190 East Main Street Huntingdon, TN	New Establishment
Hooper-Huddleston & Horner Funeral Home & Cremation Services 59 North Jefferson Avenue Cookeville, TN	Change of Name
Hooper-Huddleston & Horner Funeral Home & Cremation Services 124 1 <sup>st</sup> Avenue Algood, TN	Change of Name
Hooper-Huddleston & Horner Funeral Home & Cremation Services 532 4 <sup>th</sup> Avenue South Baxter, TN	Change of Name
Horner Funeral Home & Cremation Services 203 South Holly Street Monterey, TN	Change of Name

**Individuals**

Steven Paul Brumbalow Oneida, TN	Funeral Director & Embalmer
Lisa Devyonne Carpenter Clarksville, TN	Funeral Director & Embalmer
Christopher Kirk Gouge Oak Ridge, TN	Funeral Director & Embalmer
Samantha Laury Memphis, TN	Funeral Director & Embalmer
Aaron Lee Busche Memphis, TN	Funeral Director & Embalmer Reciprocity - Iowa
Joseph Ford Canale	Funeral Director

Memphis, TN

Jerry W. Leach  
Newbern, TN

Funeral Director

Billy Edward Parmenter  
Dyersburg, TN

Funeral Director

**Closed Establishment Report:**

One establishment has closed since the last board meeting:

- **Affordable Alternative Funeral Services, 408 Woodbine St., Nashville**

**Disciplinary Action Report:**

**The Board has previously authorized these consent orders and civil penalties. The Consent Orders have been signed and the civil penalties paid by the respondents. The Executive Director requests the Board's acceptance of the following consent orders.**

Complaint No. 2006041111

Violation: Unlicensed person who represented himself as a licensed funeral director signed an authorization for cremation form.

Action: \$500 Civil Penalty

Complaint No. 2007054581

Violation: FTC price violations

Action: \$250 Civil Penalty

Complaint No. 2007054431

Violation: Failure to affix a permanent identification device to deceased human remains

Action: \$250 Civil Penalty

Complaint No. 2007061411

Violation: FTC price violations and failure to retain copies of authorizations for cremation

Action: \$250 Civil Penalty

Complaint No. 2006059261

Violation: Forgery of medical examiner's signature on certificate of death

Action: \$1000 Civil Penalty and suspension of funeral director's license for thirty days

Complaint No. 2007060651



Violation: FTC price violations and licenses of funeral director and embalmer were not available for inspection  
Action: \$250 Civil Penalty

Complaint No. 2007056311

Violation: FTC price violations and licenses of funeral director and embalmer were not available for inspection  
Action: \$300 Civil Penalty

Complaint No. 2007054251

Violation: FTC price violations, failure to list reason for embalming on contracts and unprofessional conduct related to an unpleasant odor and needed restroom repairs  
Action: \$250 Civil Penalty

Complaint No. 2007056331

Violation: FTC price violations and failure to maintain a copy of current license and latest inspection report for the crematory that the funeral home uses  
Action: \$300 Civil Penalty

Complaint No. 2007047531

Violation: Unprofessional conduct related to failure to verify the accuracy of information submitted on a certificate of death  
Action: \$750 Civil Penalty

Complaint No. 2007047541

Violation: Unprofessional conduct related to failure to verify the accuracy of information submitted on a certificate of death  
Action: \$750 Civil Penalty

Complaint No. 2007054501

Violation: Failure to affix a permanent identification device to deceased human remains and licenses of funeral director and embalmer were not available for inspection  
Action: \$500 Civil Penalty

A motion was made by Mr. Steve Murphy to approve the Executive Director's request for the Board's acceptance of the above listed Consent Orders.

Seconded by Mr. David Murphy

Adopted by voice vote

**Open Complaint Report:**

As of August 10, 2007, there were 98 open complaints.

**ADJOURN:**

A motion was made by Mr. David Murphy to adjourn.

Seconded by Mr. Steve Murphy

Adopted by voice vote

There being no further business, the meeting was adjourned by President Foster at 11:08 A.M.

Respectfully submitted,

*Robert B. Gribble*

Robert B. Gribble, CFSP  
Executive Director